

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

JOSE RODRIGUEZ,

Case No. 2:19-cv-01644-KJD-NJK

Plaintiff

ORDER

V.

MICHAEL NIEVES, et al.,

Defendants

I. DISCUSSION

Plaintiff, who is an inmate in the custody of the Nevada Department of Corrections (“NDOC”), has submitted a civil rights complaint under 42 U.S.C. § 1983. Docket No. 1-1. Plaintiff has neither paid the full filing fee for this matter nor filed an application to proceed *in forma pauperis*.

Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, Plaintiff must complete an application to proceed *in forma pauperis* and attach both an inmate account statement for the past six months and a properly executed financial certificate. The Court will retain Plaintiff's civil rights complaint, Docket No. 1-1, but will not file it until the matter of the payment of the filing fee is resolved. Plaintiff will be granted an opportunity to file an application to proceed *in forma pauperis*, or in the alternative, pay the full filing fee for this action. If Plaintiff chooses to file an application to proceed *in forma pauperis* he must file a fully complete application to proceed *in forma pauperis*, including both an inmate account statement for the past six months and a properly executed financial certificate.

II. CONCLUSION

For the foregoing reasons, IT IS ORDERED that the Clerk of the Court WILL SEND Plaintiff the approved form application to proceed *in forma pauperis* by a prisoner, as well as the document entitled information and instructions for filing an *in forma pauperis* application.

1 IT IS FURTHER ORDERED that, no later than **October 21, 2019**, Plaintiff must either:
2 (1) file a fully complete application to proceed *in forma pauperis*, on the correct form with
3 complete financial attachments in compliance with 28 U.S.C. § 1915(a); or (2) pay the full \$400
4 fee for filing a civil action (which includes the \$350 filing fee and the \$50 administrative fee).

5 IT IS FURTHER ORDERED that if Plaintiff does not timely comply with this order,
6 dismissal of this action may result.

7 IT IS FURTHER ORDERED that the Clerk of the Court will retain the complaint, Docket
8 No. 1-1, but will not file it at this time.

9 DATED this 20th day of September, 2019.

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12 NANCY J. KOPPE
13 UNITED STATES MAGISTRATE JUDGE